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13  
14 IN THE UNITED STATES DISTRICT COURT  
15  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17  
18 SAN FRANCISCO DIVISION

19  
20 UNITED STATES OF AMERICA,  
21 Plaintiff,  
22 v.  
23 KRISTOPHER ALEXIS-CLARK,  
24  
25 Defendants.

26 Case No.: CR 19-0026 WHA-2

27 [PROPOSED] DETENTION ORDER

28  
29 On March 5, 2019, a superseding indictment was filed in the Northern District of  
30 California charging Kristopher Alexis-Clark with three counts: (1) conspiracy to commit  
31 arson, in violation of 18 U.S.C. § 844(n); (2) arson, in violation of 18 U.S.C. § 844(i); and  
32 (3) possession of an unregistered firearm, in violation of 26 U.S.C. §§ 5861(d), 5841, and 5871.  
33 This matter came before the Court for a detention hearing on March 27, 2019. During the  
34 detention hearing, Mr. Alexis-Clark was present and was represented by his attorney, Richard

1 B. Mazer, and the Government was represented by Assistant United States Attorney Michael  
2 A. Rodriguez.

3 The Government moved for detention on the basis that no condition or combination of  
4 conditions of release would reasonably assure the safety of the community in light of the  
5 defendant's conduct in this case. The defense opposed and proposed that Mr. Alexis-Clark be  
6 released so that he could care for his mother. Pretrial Services recommended detention on the  
7 basis that no condition or combination of conditions of release would reasonably assure the  
8 safety of the community, and also because the defendant posed a potential danger to himself  
9 given his recent suicidal ideation.

10 Upon consideration of the facts, proffers and arguments presented, and for the reasons  
11 stated on the record, the Court finds by clear and convincing evidence that no condition or  
12 combination of conditions will reasonably assure the safety of any other person or the  
13 community. Accordingly, Mr. Alexis-Clark must be detained pending trial in this matter.

14 This Order supplements the Court's findings at the detention hearing and serves as  
15 written findings of fact and statement of reasons as required by Title 18, United States Code,  
16 Section 3142(i). The Bail Reform Act of 1984 sets forth the factors the Court must consider in  
17 determining whether pretrial detention is warranted. In coming to its decision, the Court has  
18 considered those factors, paraphrased below:

- 19 (1) the nature and seriousness of the offense charged;
- 20 (2) the weight of the evidence against the person;
- 21 (3) the history and characteristics of the person including, among other considerations,  
22 employment, past conduct and criminal history, and record of court appearances; and
- 23 (4) the nature and seriousness of the danger to any person or the community that would  
24 be posed by the person's release.

25 18 U.S.C. § 3142(g).

26 Given the nature of the crimes as alleged, the Court determines that, on the record  
27 before it, there is no condition or combination of conditions of release that can reasonably  
28 assure the safety of any other person and the community. These findings are made without

1 prejudice to Mr. Alexis-Clark's right to seek review of his detention, or file a motion for  
2 reconsideration if circumstances warrant it.

3 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

4 1. Mr. Alexis-Clark be, and hereby is, committed to the custody of the Attorney  
5 General for confinement in a corrections facility;

6 2. Mr. Alexis-Clark be afforded reasonable opportunity for private consultation with  
7 counsel; and

8 3. On order of a court of the United States or on request of an attorney for the  
9 Government, the person in charge of the corrections facility in which Mr. Alexis-Clark is  
10 confined shall deliver him to an authorized United States Marshal for the purpose of any  
11 appearance in connection with a court proceeding.

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13 IT IS SO ORDERED.

14 DATED: March 29, 2019

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17 HONORABLE JOSEPH C. SPERO  
18 Chief Magistrate Judge  
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